

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 20 SEP 2005

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/NL2005/000033

International filing date (day/month/year)
18.01.2005

Priority date (day/month/year)
19.01.2004

International Patent Classification (IPC) or both national classification and IPC
B65D81/34, B29C45/14

Applicant
SHIELTRONICS B.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/NL2005/000033

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/NL2005/000033

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☒ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ not paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☒ all parts.
 - ☐ the parts relating to claims Nos.

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-5, 7-10, 12-16, 18-21, 25, 27-29
	No: Claims	1, 2, 6, 11, 17, 22-24, 26, 30-38
Inventive step (IS)	Yes: Claims	15, 16
	No: Claims	1-14, 17-38
Industrial applicability (IA)	Yes: Claims	1-38
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item IV.

The separate inventions/groups of inventions are:

Group of inventions 1 (claims 1-30)

A method for producing self-supporting container parts, such as dishes or covers, for containers for foodstuffs to be treated in a microwave oven, said containers each comprising at least one compartment for receiving the foodstuffs, along at least part of the circumferential surface of which compartment a microwave-radiation influencing material layer is provided in the wall of at least one associated container part, comprising the steps of:

- providing a multilayer foil comprising said microwave radiation-influencing material layer and at least one material layer that does not influence microwave radiation, which is bonded thereto on at least one side of the microwave radiation-influencing material layer;
- bonding one side of the multilayer foil to a remaining portion of the container part in question, in such a manner that the material layer of the multilayer foil that does not influence microwave radiation is present on a free surface of the container part.

Group of inventions 2 (claims 31-38)

A method for producing a multilayer foil provided with holes, comprising the steps of:

- providing a closed multilayer foil,
- die-cutting the holes in the multilayer foil.

They are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the following reasons:

The common technical features between groups of inventions 1 and 2 are "a multilayer foil" as defined in claim 1. These features are known in the prior art, see document EP1029805 (additionally see any other document in the Search Report).

The special technical features for group of inventions 1 : a method for producing self-supporting container parts.

The special technical features for group of inventions 2 : a method for producing said multi-layer foil comprising the steps of providing a closed multilayer foil and die-cutting holes in the multi-layer foil.

It is obvious that these potential special technical features are neither the same nor corresponding and that there is no common inventive technical relationship between them as required by Rule 13.2 PCT.

Furthermore the special technical features solve entirely different problems. The method of producing self-supporting container parts in group 1 enables the man skilled in the art to produce a container such as a dish or cover for foodstuffs to be treated in the microwave oven. The method for producing said multi-layer foil comprising the steps of providing a closed multilayer foil and die-cutting holes in the multi-layer foil in group 2 enables a man skilled in the art to produce a multilayer film which could be used for any kind of product.

Since the different potentially special technical features of group of inventions 1 and 2 solve several different problems, they cannot be considered as being the same or corresponding technical features as required by rule 13 of the PCT. Therefore group of inventions 1 (claims 1-30) and group of inventions 2 (claims 31-38) do not form unity of invention.

Re Item V.

1 Reference is made to the following documents:

- D1: EP 1 029 805 A (GRAPHIC PACKAGING CORP) 23 August 2000 (2000-08-23)
- D2: US 4 686 076 A (SCHOETTLI THEODORE ET AL) 11 August 1987 (1987-08-11)
- D3: US-B1-6 259 079 (JI HONG ET AL) 10 July 2001 (2001-07-10)
- D4: WO 03/043474 A (DRIESSEN MAURITS SIMON JOHANNE ; SHIELTRONICS B V (NL); VAN DE WEIJER) 30 May 2003 (2003-05-30)
- D5: WO 03/009997 A (OKHAI, ABDUL, AZIZ) 6 February 2003 (2003-02-06)

D6: US-A-4 626 641 (BROWN RICHARD K) 2 December 1986 (1986-12-02)

D7: EP-A-0 790 123 (JAMES RIVER CORPORATION OF VIRGINIA) 20 August 1997 (1997-08-20)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

A method for producing self-supporting container parts (10), such as dishes or covers, for containers for foodstuffs to be treated in a microwave oven, said containers each comprising at least one compartment for receiving the foodstuffs, along at least part of the circumferential surface of which compartment a microwave-radiation influencing material layer (100) is provided in the wall of at least one associated container part (104), comprising the steps of:

- providing a multilayer foil (100) comprising said microwave radiation-influencing material layer and at least one material layer that does not influence microwave radiation, which is bonded thereto on at least one side of the microwave radiation-influencing material layer;
- bonding one side of the multilayer foil to a remaining portion (104) of the container part in question, in such a manner that the material layer of the multilayer foil that does not influence microwave radiation is present on a free surface (14) of the container part.

3 INDEPENDENT CLAIM 22

The same reasoning applies, mutatis mutandis, to the subject matter of claim 22, which therefore is also considered not new.

4 INDEPENDENT CLAIM 31

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 31 is not new in the sense of Article 33(2) PCT. Document D7 discloses (the references in parentheses applying to this document):

A method for producing a multilayer foil provided with holes, comprising the steps of:

- providing a closed multilayer foil (60,72),
- die-cutting the holes (42,44) in the multilayer foil.

5 INDEPENDENT CLAIM 33

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 33 is not new in the sense of Article 33(2) PCT. Document D7 discloses (the references in parentheses applying to this document):

A method for producing a multilayer foil provided with holes, comprising the steps of:

- providing a microwave radiation-influencing material layer (38,72),
- forming holes (42,44,76) in said microwave radiation-influencing material layer,
- glueing a closed material layer (80) that does not influence microwave radiation onto one side of the microwave radiation-influencing material (38,72).

6 INDEPENDENT CLAIM 38

The same reasoning applies, mutatis mutandis, to the subject matter of claim 38, which therefore is also considered not new since it defines a multilayer foil produced by the methods of claims 31 or 33.

7 DEPENDENT CLAIMS 2, 6, 11, 17, 23, 24, 26, 30, 32, 34-37

Dependent claims 2, 6, 11, 17, 23, 24, 26, 30, 32, 34-37 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (Article 33(2) and (3) PCT). See documents D1, D6 and D7 and the corresponding passages cited in the search report.

8 DEPENDENT CLAIMS 3-5, 7-10, 12-14, 18-21, 25, 27-29

Dependent claims 3-5, 7-10, 12-14, 18-21, 25, 27-29 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(2) and (3) PCT). See documents D2-D5 and the corresponding passages cited in the search report.

9 DEPENDENT CLAIMS 15, 16

The combination of the features of dependent claims 15, 16 are neither known from, nor rendered obvious by, the available prior art.